

FILED  
U.S. DISTRICT COURT  
BRUNSWICK DIV.

In the United States District Court  
for the Southern District of Georgia

2008 JAN 14 AM 10:20

Brunswick Division

CLERK *[Signature]*  
SO. DIST. OF GA.

DONALD E. DOYLE, : CIVIL ACTION  
Plaintiff, :  
v. :  
LIFE INSURANCE COMPANY OF :  
NORTH AMERICA and HERCULES :  
INCORPORATED, :  
Defendants. : NO. CV207-023

ORDER

Plaintiff, Donald E. Doyle, brought the above-captioned case against Defendants, Life Insurance Company of North America ("LINA") and Hercules Incorporated, asserting a claim for improper denial of disability benefits, pursuant to the Employee Retirement Security Act of 1974 ("ERISA"), codified at 29 U.S.C. §§ 1000-1461.

Presently before the Court is Hercules' motion for summary judgment. Hercules submits that it is not a proper party because the disability benefits Doyle seeks are not paid by Hercules, but by LINA, and because Hercules is not the plan fiduciary responsible for making benefits determinations in connection with a claim for benefits. Doyle concedes that Hercules is not a proper party to this


litigation, but suggests that the Court should dismiss Hercules without prejudice, pursuant to Rule 21, instead of granting summary judgment, pursuant to Rule 56.

Summary judgment is appropriate when the record, viewed in the light most favorable to the non-moving party, shows that no genuine issue of material fact remains to be tried, and that the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317 (1986).

Doyle fails to explain why dismissal via Rule 21 is preferable to disposing of his claim against Hercules by Rule 56. In light of Hercules' showing that judgment as a matter of law is appropriate in its favor, and Doyle's concession of the same, the Court concludes that summary judgment shall be granted in Hercules' favor.

Accordingly, Hercules' motion is **GRANTED**. Dkt. No. 40.

SO ORDERED, this 14 day of January, 2008.

  
JUDGE, UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA